

United States Courts
Southern District of Texas
FILED

COURT OF CRIMINAL APPEALS OF TEXAS
APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

DEC - 3 2012

INSTRUCTIONS

David J. Bradley, Clerk of Court

RECEIVED
COURT OF CRIMINAL APPEALS
RECEIVED AND FILED
December 3, 2012
David J. Pearson, Clerk

You must use the complete form, which begins on the following page, to file an application for a writ of habeas corpus seeking relief from a final felony conviction under Article 11.07 of the Code of Criminal Procedure. (This form is not for death-penalty cases, probated sentences which have not been revoked, or misdemeanors.)

2. The clerk of the trial court in which you were convicted will make this form available to you, on request, without charge.
3. You must file the entire writ application form, including those sections that do not apply to you. If any pages are missing from the form, or if the form has been downloaded and the questions have been renumbered or omitted, your entire application will be returned as non-compliant. If your application is returned as non-compliant, the clerk of the trial court will write a note of the defect on your application and return the form to you without filing it.
4. You must make a separate application on a separate form for each judgment of conviction you seek relief from. Even if the judgments were entered in the same court on the same day, you must make a separate application for each one.
5. Answer every item that applies to you on the form. You may use additional pages only if you need them for item 17, the facts supporting your ground for relief. Do not attach any additional pages for any other item 17.
6. You must include all grounds for relief on the application form as provided by the instructions under item 17. You must also briefly summarize the facts of your claim on the application form as provided by the instructions under item 17.
7. Do not cite cases or other law in this application form. Do not make legal arguments in this form. Legal citations and arguments may be made in a separate memorandum.
8. You must verify the application by signing either the Oath Before Notary Public or the Inmate's Declaration, which are at the end of this form on pages 11 and 12. You may be prosecuted and convicted for aggravated perjury if you make any false statement of a material fact in this application.
9. When the application is fully completed, mail the original to the clerk of the convicting district court. Keep a copy of the application for your records.
10. You must notify the clerk of the convicting district court of any change in address after you have filed your application.

Case No. _____
(The Clerk of the convicting court will fill this line in.)

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07**

NAME: Wesley Husby

DATE OF BIRTH: May 5-21-1984

PLACE OF CONFINEMENT: Coffield unit

TDCJ-CID NUMBER: 1606893 SID NUMBER: _____

(1) This application concerns (check all that apply):

<input type="checkbox"/> a conviction	<input type="checkbox"/> parole
<input checked="" type="checkbox"/> a sentence	<input checked="" type="checkbox"/> mandatory supervision
<input type="checkbox"/> time credit	<input checked="" type="checkbox"/> out-of-time appeal or petition for discretionary review

(2) What district court entered the judgment of the conviction you want relief from?

(Include the court number and county.)

Harris County district court of Houston

(3) What was the case number in the trial court?

(4) What was the name of the trial judge?

(5) Were you represented by counsel? If yes, provide the attorney's name:

(6) What was the date that the judgment was entered?

November, 26 2009

(7) For what offense were you convicted and what was the sentence?

Assault with an weapon 5 year of an unfair trial

(8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

Assault X2 3-15-2003 to 2007

Assault with an weapon 11-20-2008 to 2013

(9) What was the plea you entered? (Check one.)

guilty-open plea
 not guilty

guilty-plea bargain
 nolo contendere/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

(10) What kind of trial did you have?

no jury

jury for guilt and punishment

jury for guilt, judge for punishment

(11) Did you testify at trial? If yes, at what phase of the trial did you testify?

No Unfair Speedy trial

(12) Did you appeal from the judgment of conviction?

yes

no

If you did appeal, answer the following questions:

(A) What court of appeals did you appeal to? _____

(B) What was the case number? _____

(C) Were you represented by counsel on appeal? If yes, provide the attorney's name:

(D) What was the decision and the date of the decision? _____

(13) Did you file a petition for discretionary review in the Court of Criminal Appeals?

yes no

If you did file a petition for discretionary review, answer the following questions:

(A) What was the case number? _____

(B) What was the decision and the date of the decision? _____

(14) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *this conviction*?

yes no

If you answered yes, answer the following questions:

(A) What was the Court of Criminal Appeals' writ number? _____

(B) What was the decision and the date of the decision? _____

(C) Please identify the reason that the current claims were not presented and could not have been presented on your previous application.

(15) Do you currently have any petition or appeal pending in any other state or federal court?

yes no

If you answered yes, please provide the name of the court and the case number:

Travis County Supreme Court of Austin

(16) If you are presenting a claim for time credit, have you exhausted your administrative remedies by presenting your claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies)

yes no

If you answered yes, answer the following questions:

(A) What date did you present the claim? 8-1-12

(B) Did you receive a decision and, if yes, what was the date of the decision?

No

If you answered no, please explain why you have not submitted your claim:

of T.D.C.J requirement to receive a decision of any statement.

(17) Beginning on page 6, state *concisely* every legal ground for your claim that you are being unlawfully restrained, and then briefly summarize the facts supporting each ground. You must present each ground on the form application and a brief summary of the facts. *If your grounds and brief summary of the facts have not been presented on the form application, the Court will not consider your grounds.*

If you have more than four grounds, use page 10 of the form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence.

You may attach a memorandum of law to the form application if you want to present legal authorities, but the Court will *not* consider grounds for relief in a memorandum of law that were not stated on the form application. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum.

GROUND ONE:

Goree unit in Huntsville, State law library
any Supreme Court Building; jurisdictional

FACTS SUPPORTING GROUND ONE:

Texas Department of
Criminal justice Act of Citizenship, any Custom
Enforcement of naturalization Act, of
4-24-1996 any Sign by the president of 9-30-1996
The - Anti-Terrorism an effective death penalty
any the Illegal Immigration Reform, an
Responsibility Act

Power of equity are very limited; Therefore, it waive
all non-jurisdictional defects of district Court.
For example an indictment, The district Court
would be able to Challenge an indictment
if it did not charge the offences under
State laws. The fundamentals attempted to design
laws, of the Criminal justice system practice for
the citizen of being unjustly accuse of, are
imprison for a crime of. I been assault an
Harassed in D.C.J

GROUND TWO:

Voluntary place of guilty only the jurisdiction, are power of the Court; Trial attorney

FACTS SUPPORTING GROUND TWO:

of the lawyer stated taking the case to trial. I'm looking at 5 to 99 1 degree felony an Second assault. To find out why the victim can't press charges the lawyer stated the state of Texas pick up the charges an evidence against me. of agreeing to an speedy trial, an trial by no jury, an a place of guilty the 5 year agreeded by the defense an district attorney of truncing it in the agreement, the judge found me guilty of no procedure of trial

of my Court appointed lawyer statement the parole an Appeal set my Quast

GROUND THREE:

GROUND THREE: Sources of law are document where the law come from; on most issues

FACTS SUPPORTING GROUND THREE:

FACTS SUPPORTING GROUND THREE: Trial by no jury Can be waive allow it to be determine by an jury where it is determine that the judge may be more sympathetic; Therefore, the judge decision still stand in suspect of the jury Speedy trial Act has been held unconstitutional of 1987; Therefore no general ideaels to an 5 year agreement of the district attorney an defense attorney for me to sign of agreement I been convicted of an unfair trial.

GROUND FOUR:

FACTS SUPPORTING GROUND FOUR:

I admitted of my action had been worse. I agreed to play guilty, of my innocent at my all call of an opportunity to my defense. The action of a speedy trial at the best of my knowledge I complaint of an unfair trial. That November 2009 Speedy trial, of no jury to an 5 year agreement. Had been hel of an judge, Clerk an defense attorney an me the defendant had been arraigned for trial guilty decision. To the knowledge of my court appointed lawyer action of sign paper of my agreement for an lawyer. The judge she found me guilty and agreed to the 5 year Convicted me to T.D.C.J Prison; The court appointed lawyer failed to set trial for me of the right to question an cross-examine witness an to bring forth issue of my innocent

GROUND:

United state law of right been read
to proceed to Court of an Statement

FACTS SUPPORTING GROUND:

I think he had Sexact
assault me.

**WHEREFORE, APPLICANT PRAYS THAT THE COURT GRANT APPLICANT
RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.**

VERIFICATION

This application must be verified or it will be dismissed for non-compliance. For verification purposes, an applicant is a person filing the application on his or her own behalf. A petitioner is a person filing the application on behalf of an applicant, for example, an applicant's attorney. An inmate is a person who is in custody.

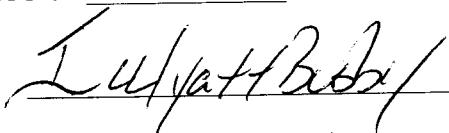
The inmate applicant must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public. If the inmate is represented by a licensed attorney, the attorney may sign the "Oath Before a Notary Public" as petitioner and then complete "Petitioner's Information." A non-inmate applicant must sign the "Oath Before a Notary Public" before a notary public unless he is represented by a licensed attorney, in which case the attorney may sign the verification as petitioner.

A non-inmate non-attorney petitioner must sign the "Oath Before a Notary Public" before a notary public and must also complete "Petitioner's Information." An inmate petitioner must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public and must also complete the appropriate "Petitioner's Information."

OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____



Lyle H. Hesby, being duly sworn, under oath says: "I am the applicant / petitioner (circle one) in this action and know the contents of the above application for a writ of habeas corpus and, according to my belief, the facts stated in the application are true."



Signature of Applicant / Petitioner (circle one)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10 DAY OF Sept, 2012

Signature of Notary Public

PETITIONER'S INFORMATION

Petitioner's printed name: _____

State bar number, if applicable: _____

Address: _____

Telephone: _____

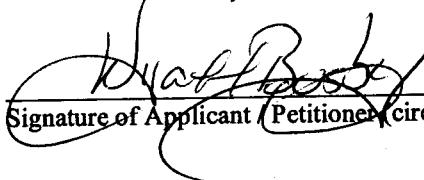
Fax: _____

INMATE'S DECLARATION

I, Hyatt Husby, am the applicant / petitioner (circle one) and being presently incarcerated in T.D.C.J., declare under penalty of perjury that, according to my belief, the facts stated in the above application are true and correct.

Signed on

7 September, 2012.



Signature of Applicant / Petitioner (circle one)

PETITIONER'S INFORMATION

Petitioner's printed name: _____

Address: _____

Telephone: _____

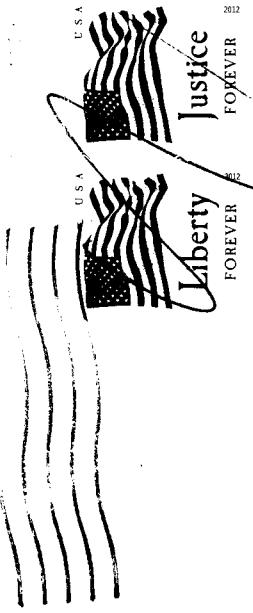
Fax: _____

Signed on September 10, 2012.

Llyatt Bok

Signature of Petitioner

Matthew Bush 11, 1606893
2661 FM 2054, Coffieldam
Tennessee Colony, TX 75884



Clerk of the United State
District of Southern
P.O. Box 61010
Houston, Texas, 77208

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David J. Bush, Clerk of Court

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